

§ 144.12

40 CFR Ch. I (7-1-04 Edition)

have a permit is prohibited until the permit has been issued.

[48 FR 14189, Apr. 1, 1983, as amended at 58 FR 63895, Dec. 3, 1993]

§ 144.12 Prohibition of movement of fluid into underground sources of drinking water.

(a) No owner or operator shall construct, operate, maintain, convert, plug, abandon, or conduct any other injection activity in a manner that allows the movement of fluid containing any contaminant into underground sources of drinking water, if the presence of that contaminant may cause a violation of any primary drinking water regulation under 40 CFR part 142 or may otherwise adversely affect the health of persons. The applicant for a permit shall have the burden of showing that the requirements of this paragraph are met.

(b) For Class I, II and III wells, if any water quality monitoring of an underground source of drinking water indicates the movement of any contaminant into the underground source of drinking water, except as authorized under part 146, the Director shall prescribe such additional requirements for construction, corrective action, operation, monitoring, or reporting (including closure of the injection well) as are necessary to prevent such movement. In the case of wells authorized by permit, these additional requirements shall be imposed by modifying the permit in accordance with § 144.39, or the permit may be terminated under § 144.40 if cause exists, or appropriate enforcement action may be taken if the permit has been violated. In the case of wells authorized by rule, see §§ 144.21 through 144.24. For EPA administered programs, such enforcement action shall be taken in accordance with appropriate sections of the SDWA.

(c) For Class V wells, if at any time the Director learns that a Class V well may cause a violation of primary drinking water regulations under 40 CFR part 142, he or she shall:

- (1) Require the injector to obtain an individual permit;
- (2) Order the injector to take such actions (including, where required, closure of the injection well) as may be necessary to prevent the violation. For

EPA administered programs, such orders shall be issued in accordance with the appropriate provisions of the SDWA; or

(3) Take enforcement action.

(d) Whenever the Director learns that a Class V well may be otherwise adversely affecting the health of persons, he or she may prescribe such actions as may be necessary to prevent the adverse effect, including any action authorized under paragraph (c) of this section.

(e) Notwithstanding any other provision of this section, the Director may take emergency action upon receipt of information that a contaminant which is present in or likely to enter a public water system or underground source of drinking water may present an imminent and substantial endangerment to the health of persons. If the Director is an EPA official, he must first determine that the appropriate State and local authorities have not taken appropriate action to protect the health of such persons, before taking emergency action.

[48 FR 14189, Apr. 1, 1983, as amended at 52 FR 20676, June 2, 1987]

§ 144.13 Prohibition of Class IV wells.

(a) The following are prohibited, except as provided in paragraph (c) of this section:

(1) The construction of any Class IV well.

(2) The operation or maintenance of any Class IV well not in operation prior to July 18, 1980.

(3) The operation or maintenance of any Class IV well that was in operation prior to July 18, 1980, after six months following the effective date of a UIC program approved or promulgated for the state.

(4) Any increase in the amount of hazardous waste or change in the type of hazardous waste injected into a Class IV well.

(b) The owner or operator of a Class IV well shall comply with the requirements of § 144.14, and with the requirements of § 144.23 regarding closure of Class IV wells.

(c) Wells used to inject contaminated ground water that has been treated and is being reinjected into the same formation from which it was drawn are

331.5 Prevention of Pollution

- (a) No permit or authorization by rule shall be allowed where an injection well causes or allows the movement of fluid that would result in the pollution of an underground source of drinking water. A permit or authorization by rule shall include terms and conditions reasonably necessary to protect fresh water from pollution.
- (b) Persons authorized to conduct underground injection activities under this chapter shall address unauthorized discharges of chemicals of concern (COCs) from associated tankage and equipment according to the requirements of Chapter 350 of this title (relating to the Texas Risk Reduction Program).
- (c) Pre-injection units which are required to be authorized by permit or registration under §331.7(d) of this title (relating to Permit Required), must be designed, constructed, operated, maintained, monitored, and closed so as not to cause:
 - (1) the discharge or imminent threat of discharge of waste into or adjacent to the waters in the state without obtaining specific authorization for such a discharge from the commission;
 - (2) the creation or maintenance of a nuisance; or
 - (3) the endangerment of the public health and welfare.

331.2 Definitions

- (79) Pollution--The contamination of water or the alteration of the physical, chemical, or biological quality of water:
 - (A) that makes it harmful, detrimental, or injurious:
 - (i) to humans, animal life, vegetation, or property; or
 - (ii) to public health, safety, or welfare; or
 - (B) that impairs the usefulness or the public enjoyment of the water for any lawful and reasonable purpose.